

REMARKS

I. Summary of Office Action

Claims 1-37 are pending in the above-identified application.

Claims 1-37 are rejected under 35 U.S.C. § 103(a) as being obvious from Herz et al. U.S. Patent No. 5,758,257 (hereinafter "Herz") in view of Throckmorton et al. U.S. Patent No. 5,818,441 (hereinafter "Throckmorton").

II. Summary of Applicants' Reply

Applicants have amended claims 1 and 19 to more particularly define the claimed invention. No new matter has been added by the amendments and the amendments are fully supported by the specification. For example, support for the amendments may be found at page 13, line 17 through page 14, line 6 and page 25, line 33 through page 26, line 11 of the specification as originally filed. Additional support for the amendments may be found elsewhere in the specification.

The Examiner's rejections are respectfully traversed.

III. Applicants' Reply to the Rejections
of the Claims under 35 U.S.C. § 103(a)

Claims 1-37 are rejected under 35 U.S.C. § 103(a) as being obvious from Herz in view of Throckmorton. These rejections are respectfully traversed.

Amended independent claims 1 and 19 refer to a system and method for using an interactive program guide that displays data identified as being related to television programs selected by a user. Independent claims 1 and 19 specify, among other things, receiving "a first user selection of a television program title

displayed on a display screen by navigating a highlight to the television program" and "a second user selection requesting that data available on a public network and related to the selected television program title be displayed after the first selection." Independent claims 1 and 19 further specify that in direct response to the second user selection, data received related to the selected television program title is displayed on the display screen.

Herz refers to a customer profile system for optimizing selection of television program information available from multiple data sources for presentation to viewers. Various characteristics of the data sources are objectively quantified and stored in the form of content profiles. The customers' preferences for the characteristics of the data sources are stored in one or more customer profiles. An agreement matrix is generated based on content profiles and customer profiles and used to create virtual data channels with the data sources that have the most appeal to the viewers. See Herz, col. 9, lines 30-51.

Throckmorton refers to a system for supplying primary broadcast television data and data associated with the primary broadcast to a consumer. The television data is processed for displaying the program and the associated data is stored. The associated data may, for example, contain information that is displayed at a predetermined time during a program "without the user asking for it" during viewing of the primary television program (col. 7, ll. 21-30). The system may include a two-way communications channel sub-system for accessing online services. (Col. 9, ll. 1-2)

Applicants respectfully submit that neither Herz nor Throckmorton, whether taken alone or in combination, shows or suggests displaying data received

from a public network that is related to a television program title in direct response to receiving a selection of that television program title (the second selection) on a display screen after a highlight has been navigated to that television program title (the first selection), as specified in independent claims 1 and 19. The shortcomings of Herz and Throckmorton are apparent for several reasons. Firstly, the Examiner concedes that "Herz does not clearly disclose receiving a second user selection requesting that data available on a public network and related to the selected television program title be displayed" (Office Action, p. 4). Indeed, because the Examiner has conceded Herz fails to show applicants' claimed second selection, Herz necessarily also fails to show "displaying, in direct response to the second user selection, the received data related to the selected television program title on the display screen."

Secondly, even if Herz could be modified with Throckmorton, which it could not, the proposed combination would result in a system that requires a user to have tuned to a television program before being able to access data available on a public network. (Office Action, p. 4, ll. 8-17). This is contrary to what is claimed in independent claims 1 and 19. In fact, applicants' independent claims specify a system and method that provides a seamless transition from a display screen displaying television program titles to a display screen displaying data identified as being related to a selected television program title and received from a public network without requiring the proposed combination's interlocutory step of tuning to a television program.

Thirdly, Throckmorton fails to show or suggest displaying data received from a public network and that is related to a television program title in direct

response to receiving a selection of that television program title after a highlight has been navigated to that television program title. At best, Throckmorton discloses that the associated data may include references to information on an online service (e.g., a WWW page), which reference may be clicked, but nowhere does Throckmorton show or suggest that such references are television program titles.

Finally, applicants respectfully submit that the Examiner's motivation for modifying Herz to include Throckmorton is insufficient to support a prima facie case of obviousness. The Examiner stated:

"it would have been obvious ... to modify Herz with the teaching of allowing [a] user to obtain additional information related to [the] TV program currently viewed, as taught by Throckmorton, so to enhance viewer experience of being able to interact with the currently [viewed] TV program"

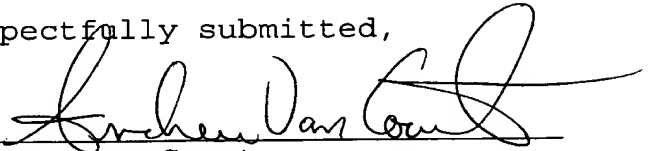
(Office Action, p. 4). The Examiner's motivation is hinged on the fact that the second selection is received while the user is watching a television program. As discussed above, the Examiner's basis for the motivation is based on the very requirement applicants seek to avoid, and as such, the motivation necessarily fails.

Accordingly, for at least the foregoing reasons, applicants respectfully submit that independent claims 1 and 19 are allowable. Claims 2-18 and 20-37, which depend from one of claims 1 or 19, are allowable at least because claims 1 and 19 are allowable.

IV. Conclusion

In view of the foregoing, applicants respectfully submit that this application, as amended, is now in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,



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